

City of Lincoln
Cable TV Advisory Board
Meeting Minutes – August 15, 2013

Members Present: Paul Barnett, Steve Eggland, Matt Hansen, Linda Jewson, Ed Hoffman, Jim Johnson, Laurie Thomas Lee, Dara Troutman

City Staff: Steve Huggenberger, Diane Gonzolas

Representatives of Time Warner Cable: Ann Teget, Jamie Wenz, Doug Bauch

Others: John Neal, Beau Wolfe

Call to Order

A special meeting of the Cable Advisory Board was held on August 15, 2013, to discuss the plans by Time-Warner Cable to move access channels to a digital format. Meeting was called to order at 4:10 p.m. by chair Ed Hoffman. Board members and guests introduced themselves.

Old Business

Changes in PEG service

Huggenberger described the PEG channels: 5, 10, 21, 82, 80. The change will also affect the community access channel 13.

Time Warner Cable also supplies a studio as part of the franchise agreement.

Wenz described what he does as Public Access Coordinator at TWC. He trains producers and offers facilities to them. His staff is a resource for training, providing technical assistance, etc. Producers are responsible for getting the crew together and any supplies that they'll need. 42 different producers producing 44 different shows on Channel 13; no producers are actively producing shows on Channel 82.

Huggenberger said that PEG channels are required by the franchise. Federal regulations require that the PEG channels be aired on the lowest tier. Time Warner Cable's lowest tier in Lincoln is from 2 to 84.

Huggenberger mentioned that there are branding concerns; users get used to seeing the City Council on Channel 5 so they would be confused if it gets moved to another channel.

Hoffman thinks that there are some contractual issues that will come up as we go forward.

Gonzolas said that the Mayor would like to see a recommendation from this board on how to proceed.

Lee asked if the franchise agreement mentions what happens to PEG channels when TWC goes digital.

Huggenberger said that the franchise says that a certain amount of bandwidth would be set aside whenever TWC goes all digital.

Hoffman asked how many MegaHertz is dedicated to PEG now. Teget said that the requirement isn't the number of MegaHertz; it is five channels. She said that the channels aren't being moved to the digital tier, just changing to digital broadcasting. Hoffman would like Teget to check into the question of how many MH is dedicated to PEG now.

Teget distributed a copy of an overview letter that TWC had sent to the City.

Huggenberger asked if this equipment could be purchased anywhere other than TWC. Teget does not know.

For those customers that don't already have cable-ready TVs or equipment TWC will provide an adaptor, free until December 2014 and 99 cents thereafter.

Lee asked what happens if she has a dumb TV in her office. Teget said that she will probably have to get an adaptor.

Huggenberger asked if he's in one of the five groups at the top, will they see things on the channels that they're used to? Teget said yes; however those who use QAM tuners won't see them at the same channels as before.

Hoffman asked what people would see if they go to channel 5 or whatever? Teget said that the digital TV would probably just skip that channel. In response to a question about why the channels were moved to around 71.1 and following, Teget said that they were not able to use channels 5.1 or 10.1 due to existing channels, so they had to move them. They decided to put them all together at 71.11 and nearby channels.

Other channels that will be affected are CSPAN, WGN, and NET2.

***Answers to Questions that were posed to TWC.
Reasons for the change***

Teget responded:

First, to free up capacity in their network. A single analog channel could free up space for 14 digital channels. Second, it's a good way to manage the bandwidth and be able to offer faster internet speeds. Third, all of their competitors already take advantage of the efficiencies and they don't offer any channels in analog. Fourth, the channel will look better.

John Neal commented that on the school side they would prefer access over the signal quality.

Question about whether TWC would agree to a time specific when the "Going all digital" provision in the franchise would kick in?

Hoffman said that he wanted this question to be brought up.

Teget said that there are a lot of things that have to be considered before going all-digital. They will not be able to give a definitive timeline. Those are decisions that are made in the corporate office for all their locations.

Hoffman said that with regard to the change from PEG to digital, TWC is talking about eventually charging customers for the service. TWC is getting some benefit for this. Hoffman said his understanding is that if there's a digital shift, TWC is getting a benefit and customers are paying for it. Gonzolas said that many customers will probably have to have the adaptor installed. Hoffman said we would like to know what the installation charge would be, well before the transition. Teget said that she will find that out.

Hoffman asked Huggenberger about the concessions that were granted in McAllen Texas. Huggenberger said that installation was free for elderly, handicapped, and low-income. Neal said that he didn't know if the rate would go down for those users that didn't go with the adaptor. Teget doesn't think that TWC would do this.

Troutman asked if they could give an estimate of what percentage of customers will need this equipment. Teget doesn't know because they don't track who uses what kind of TV. But it's a very small number.

Lee said that it would be fair to bring up to corporate that this would be a good trade; customers and the City should obtain more concessions in exchange for the change. Hoffman would at least like to see elderly, handicapped, and low income get these boxes installed for free. He thinks it would be reasonable to see that here.

Hoffman said that there were a number of things that were done in McAllen:

- Providing the box at no cost to the elderly, handicapped, and low income for free installation.
- Boxes free for five years.
- Extend the time that people can order the free boxes.

Gonzolas commented that Teget said that the decisions were made at the corporate level, and asked how they were able to make concessions in McAllen and other locations.

Teget asked how TWC would know who is low income?

Barnett asked whether the 99 cents that the digital adaptor will eventually cost is to pay for the box or is just a charge that's added on. Teget said that it helps pay for the box.

Timeline for the change/method of customer notification

Teget said they will give 30 days advance notice. They will send a letter out sometime within the next 10 days. There will also be a scrolling message for a time before the change happens.

Will the government-issued digital adapters that people were offered when digital rolled out nationwide work for this?

Teget said no, they won't work.

What will users see on channels 5, 10, etc if they don't have the automatic conversion?

Teget said that if they have a QAM tuner it will just be skipped; others will probably see a message directing them on how to order an adapter.

Can Channel 5 be moved to 5.1 and 10 moved to 10.1

Teget said no.

Is it possible to have both HD and digital channels for PEG?

Teget said not right now.

Will users be able to test ahead of the conversion to see if it will work on their current setup?

Teget said no.

How many subscribers are still using analog equipment?

Teget said that TWC is not able to identify what type of equipment that people use analog equipment. Neal said that LPS was told that approximately 75% of users that are on the digital tier, leaving potentially 25% that might need the adapter. Teget said that the number is a lot smaller than that.

Further Discussion

Hoffman asked Huggenberger when the City became aware of this change. Huggenber said a month ago. Hoffman says that is a very short period of time. His concern is that people won't have the funds. Many elderly people will not be able to install this. Teget thinks she might be able to get the answers to those questions in the next week.

Barnett asked if the customer would have to pick the adaptor up. Teget said no, TWC could mail it out. She will find out if there's a deposit; she doesn't think so. Hoffman asked if a copy of the customer letter could be sent to Gonzolas. Teget said they will do that.

Troutman moved that we go into exec session for the possibility of discussing legal action, Jewson seconded.

Motion originally carried 8-0; however after consultation with the open meetings act the motion was withdrawn, and discussion continued.

Hoffman asked what people's thoughts are.

Gonzolas said she doesn't think this will go to the level that the Navigator did, but the City needs to be prepared to be getting phone calls. Also we should have a spokesperson.

Lee said that the message is that there will be some people who cannot receive the PEG access channels unless they pay an extra dollar a month eventually. That flies in the face of public access. Jewson agrees; the most vulnerable people will give up.

Eggland says that it's similar to charging more money for parks permits.

Troutman said we don't actually know how many people will be affected. She thinks that might make it hard to go back to the mayor and ask to consider legal action to try to get concessions. She is torn; thinks it's a hassle and it's a cost. She especially doesn't like the fact that there are only two months to react. If that were extended to the 14 or 15 months then she would be OK with it. She would be hard pressed to make a recommendation for legal action.

Eggland asked what the hurry is to close up the request time?

Teget said that they're making a huge investment.

Lee said that it's a disincentive for people to watch the PEG channels.

Huggenberger said that his preference would be that they go all digital right now.

Lee thinks the access channels will lose a lot of viewers in the interim.

Hoffman is concerned that we have a very short period to do this; a short period to inform the city, a short period to inform customers, a short period to request the free adaptor. TWC is getting a lot of benefit; access channels will lose viewers.

Teget said that TWC has gone to great lengths to map the channels.

Hoffman said that we don't know how many people this will affect. People in other locations had concessions.

Teget said that in McAllen this adaptor was not available.

Hoffman would like to recommend that the help be provided. If the numbers are small then TWC should be able to do it. The benefit that TWC is getting could be spread out to those groups of people.

Johnson moved, Lee seconded, that:

"The Cable Advisory Board is concerned that those citizens who are most vulnerable may not have access to the PEG programming in a manner that is consistent with federal law and that they will be required to lease a digital adaptor in order to have access to the PEG programming. We are additionally concerned that individuals that lack technological sophistication will be required to pay Time Warner Cable for installation in addition to the lease of the digital adaptor. It is the board's understanding that other communities in the United States have been

provided these reasonable accommodations as part of this transition. The board recommends that the Mayor's office request, urge, and lobby Time Warner Cable to agree to the following.

For those on the basic tier (2-22 and 80 and 82).

- Free installation through end of franchise, if requested.

- Free digital adaptor until end of franchise; limit 2 per subscriber.

- Applies to both new and existing subscribers.

For other tiers:

- Free installation through end of 2014, if requested.

- Free digital adaptor through the end of 2014, with no deadline to request it; limit 2 per subscriber.

- Applies to both new and existing subscribers.”

Motion passed 8-0.

Date for next meeting

Next meeting is scheduled for October 24, 4:00 p.m. in the City-County Building

Adjournment

Meeting was adjourned at 6:23 p.m.

Respectfully submitted,

Jim Johnson, secretary